

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims**

1. (Previously Presented) A noise attenuation system comprising:  
  
a speaker;  
  
a control unit in communication with said speaker; and  
  
a memory unit in communication with said control unit storing a cancellation waveform related to a system condition wherein said control unit has a plurality of scaling factors to modify said cancellation waveform.
2. (Currently Amended) The ~~active~~ noise attenuation system of claim 1 wherein said system condition is engine data.
3. (Currently Amended) The ~~active~~ noise attenuation system of claim 2 wherein said engine data is engine speed.
4. (Currently Amended) The ~~active~~ noise attenuation system of claim 1 further including at least one sensor in communication with said control unit.
5. (Currently Amended) The ~~active~~ noise attenuation system of claim 4 wherein said sensor is a tachometer.

6. (Currently Amended) The ~~active~~ noise attenuation system of claim 4 wherein said sensor is a throttle position sensor and said control unit is programmed to select a scaling factor from said plurality of scaling factors based on data from said throttle position sensor.;
7. (Currently Amended) The ~~active~~ noise attenuation system of claim 4 wherein said sensor is an environmental sensor.
8. (Currently Amended) The ~~active~~ noise attenuation system of claim 1 wherein said speaker is disposed as part of an air induction system.
9. (Currently Amended) An air induction system comprising:
  - an air duct body having a speaker;
  - a control unit in communication with said speaker; ~~and~~
  - a memory unit in communication with said control unit storing cancellation waveform data wherein said cancellation waveform data comprises at least one cancellation waveform related with engine data.
10. (Currently Amended) The ~~active noise attenuation system~~ air induction system of claim 9 wherein said engine data relates to engine speed.

11. (Currently Amended) The ~~active noise attenuation~~air induction system of claim 9 further including at least one sensor in communication with said control unit.
12. (Currently Amended) The ~~active noise attenuation~~air induction system of claim 11 wherein said sensor is a tachometer.
13. (Currently Amended) The ~~active noise attenuation~~air induction system of claim 11 wherein said sensor is a throttle position sensor.
14. (Currently Amended) The ~~active noise attenuation~~air induction system of claim 11 wherein said sensor is an environmental sensor.
15. (Currently Amended) The ~~active noise attenuation~~air induction system of claim 11 wherein said speaker is disposed about an air induction system.

16. (Currently Amended) A method of attenuating noise comprising the steps of:  
storing in memory ~~at least one~~ cancellation waveform data;  
retrieving the cancellation waveform data needed to attenuate a noise based upon a sensed engine condition; and  
~~\_\_\_\_\_ delaying transmission of the cancellation waveform data a predetermined amount of time to accommodate for a time taken to retrieve the cancellation waveform data;~~  
~~\_\_\_\_\_ transmitting the cancellation waveform data; and~~  
attenuating the noise using the cancellation waveform data.
17. (Original) The method of claim 16 wherein the noise relates to engine noise.
18. (Currently Amended) The method of claim 16 wherein the ~~at least one~~ cancellation waveform data is related with engine speed and is retrieved and used to attenuate the noise.
19. (Original) The method of claim 16 wherein the noise is attenuated about air induction system.
20. (Currently Amended) The method of claim 16 further comprising the step of scaling the cancellation waveform data.

21. (New) The noise attenuation system of claim 1 wherein said plurality of scaling factors are set to modify an amplitude of said cancellation waveform.
22. (New) The method of claim 16 wherein the predetermined amount of time is longer than the time taken to retrieve the cancellation waveform data.